

**REMARKS**

In accordance with 37 C.F.R. § 1.111, Applicants respectfully request reconsideration, in light of the claim amendments presented above and the following remarks, of the claim rejections set forth in the Office Action dated July 9, 2010 (the “Office Action”).

**I. Claim Rejections – 35 U.S.C. § 112**

Claims 1, 6, 11, 12, 20 and 21 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. The last four lines of claims 1 and 12 allegedly rendered the claims ambiguous, as the structures and the features defining the motion of the sub-linkage and the location of the drive unit allegedly were not positively and clearly recited or defined earlier in the claims. *See*, Office Action, p. 2. Applicants amended independent claims 1 and 12 to obviate the claim rejections. Accordingly, Applicants respectfully request the claim rejections be withdrawn.

**II. Claim Rejections – 35 U.S.C. § 102(b)**

Claims 1, 6, 11, 12, 20 and 21 were rejected pursuant to 35 U.S.C. § 102(b) as being unpatentable over Fujita (U.S. Patent No. 4,447,041).

**A. Independent Claim 1**

Independent claim 1 recites a lifting device that includes a lifting linkage that connects the patient support to a base plate, the lifting linkage including two scissors assemblies connected to one another via a central articulation. The lifting linkage also includes “a drive unit directly coupled to the central articulation.”

Fujita does not disclose “a drive unit directly coupled to the central articulation,” as recited in independent claim 1. As shown in Figure 1, Fujita discloses a lifting device that includes a rectangular frame 1. *See*, col. 2, lines 20-22. The frame 1 has a rear wall 16 formed with inwardly projecting brackets 17, and a pair of arms 3 pivotally attached at their lower ends to the brackets 17. *See*, col. 2, lines 31-34. Each of shiftable arms 4 intersects, at its midportion, the midportion of the corresponding arm 3; the arms 3 and 4 are connected together by a pivot 21 at the intersection. *See*, col. 2, lines 35-39. A support piece 32 downwardly extends from each of the pivotable arms 3 approximately midway between the pivot 21 and the lower end of the arm 3. A hydraulic assembly 6 fixedly mounted on the frame 1 and positioned close to the rear wall 16 is coupled to the support pieces 32. *See*, col. 2, lines 52-57. Fujita discloses a hydraulic assembly 6 that is coupled to support pieces 32 located approximately midway between pivots 21 and the lower ends of the arms 3. Fujita does not disclose “a drive unit directly coupled to the central articulation,” as recited in independent claim 1. Claims 6 and 11 depend, either directly or indirectly, from independent claim 1. Therefore, Applicants respectfully request the claim rejections be withdrawn.

#### **B. Independent Claim 12**

Independent claim 12 recites “a drive unit directly coupled to the central articulation. As discussed above, Fujita does not disclose “a drive unit directly coupled to the central articulation.” Claims 20 and 21 depend, either directly or indirectly, from independent claim 12. Therefore, Applicants respectfully request the claim rejections be withdrawn.

#### **III. Claim Rejections – 35 U.S.C. § 103(a)**

Claims 1, 6, 11, 12, 20 and 21 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Fujita in view of Rapp (U.S. Patent No. 3,378,231).

### **A. Independent Claim 1**

Independent claim 1 recites a lifting device that includes a lifting linkage including two scissors assemblies connected to one another via a central articulation, one of the two scissors assemblies including a pair of front scissors feet. The pair of front scissors feet is connected to a base plate in an articulated manner, and a drive unit “is arranged between the pair of front scissors feet, an axis of rotation of the front scissors feet extending through part of the drive unit.”

Fujita does not disclose a drive unit that is arranged between a pair of front scissors feet connected to a base plate in an articulated manner, an axis of rotation of the front scissors feet extending through part of the drive unit, as recited in independent claim 1. As shown in Figure 1, Fujita discloses a support piece 32 that downwardly extends from each of the pivotable arms 3 approximately midway between the pivot 21 and the lower end of the arm 3. A hydraulic assembly 6 fixedly mounted on the frame 1 and positioned close to the rear wall 16 is coupled to the support pieces 32. *See*, col. 2, lines 52-57. Fujita discloses a hydraulic assembly 6 that is arranged between the pivot 21 at the intersection of the arms 3, 4 and the inwardly projecting brackets 17, on which the pair of arms 3 are pivoted. Fujita does not disclose a drive unit that is arranged between a pair of front scissors feet connected to a base plate in an articulated manner, an axis of rotation of the front scissors feet extending through part of the drive unit, as recited in independent claim 1.

Rapp does not fill the gaps. As shown in Figure 1, Rapp discloses a jack that includes a frame 10 with scissor link means 11, which selectively raises a lift platform 12 through the use of fluid pressure actuators 13. *See*, col. 3, lines 1-6. The scissor link means 11 includes four first elongated links 19 that are each pivotally connected to the frame 10 at first ends of

the links 19. *See*, col. 3, lines 19-22. The scissor link means 11 also includes a set of second elongate links 23. The links 19 and the links 23 are swingably secured at their respective center portions using an axle bolt 24 extending through all eight links. *See*, col. 3, lines 26-30. Second ends of the links 23 are swingably connected to an axle 30 that travels along channel member rails 16 of the frame 10. Piston rods 33 of the actuators 13 have holes in their extreme ends, through which the axle 30 is received. *See*, col. 3, lines 46-53. Rapp discloses fluid pressure actuators 13 that are arranged between the second ends of links 23, the second ends traveling along channel member rails 16 of a frame 10. Rapp does not disclose an axis of rotation of the first ends of links 19 that extends through the fluid pressure actuators 13. Accordingly, Rapp does not disclose a drive unit that is arranged between a pair of front scissors feet connected to a base plate in an articulated manner, an axis of rotation of the front scissors feet extending through part of the drive unit, as recited in independent claim 1.

Fujita and Rapp do not disclose a drive unit that is arranged between a pair of front scissors feet connected to a base plate in an articulated manner, an axis of rotation of the front scissors feet extending through part of the drive unit. Therefore, independent claim 1 is allowable over the cited references because Fujita and Rapp, either alone or in combination, fail to disclose the claimed subject matter.

Claims 6 and 11 depend, either directly or indirectly, from allowable independent claim 1 and are allowable for at least this reason.

#### **B. Independent Claim 12**

Independent claim 12 recites a drive unit that is arranged between a pair of front scissors feet connected to a bottom part in an articulated manner, an axis of rotation of the

front scissors feet extending through part of the drive unit. As discussed above, Fujita and Rapp do not disclose a drive unit that is arranged between a pair of front scissors feet connected to a base plate in an articulated manner, an axis of rotation of the front scissors feet extending through part of the drive unit. Therefore, independent claim 12 is allowable over the cited references.

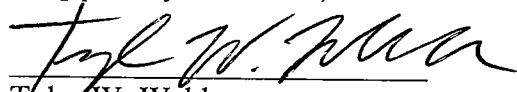
Claims 20 and 21 depend, either directly or indirectly, from allowable independent claim 12 and are allowable for at least this reason.

### **Conclusion**

For at least the reasons presented above, the Applicants respectfully submit that the pending claims are in condition for allowance.

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,



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